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REMARKS/ARGUMENTS

Claims 1 and 12 are pending in this application. By this Amendment, Applicant amends claims 1 and 12, and cancels claims 2-11 and 13-16.

Claims 1, 2, 4, 6, 7 and 12-14 were rejected under 35 U.S.C. § 102(a) as being anticipated by Pellicano (U.S. 6,386,707). And claims 3, 5, 8-11, 15 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Pellicano in view of Izumitani et al. (U.S. 2003/0090625). Applicant respectfully traverses these rejections.

Claim 1 has been amended to recite:

"A network-based eyeglass lens and frame ordering and marketing system comprising:

a user interface unit;

an electronic service center;

at least one of a network and a data transmission system connecting the user interface unit and the electronic service center;

an eyeglass frame selection means for selecting eyeglass frames from among a plurality of eyeglass frames in response to input from a user;

means for creating display information relating to eyeglass frames; vision testing means for testing vision of the user;

means for receiving data, such as a doctor's prescription relating to the user's vision, age and the latest vision data;

an eyeglass lens selection means for selecting eyeglass lenses from among a plurality of eyeglass lenses in response to user input;

an eyeglass ordering and marketing processing means for allowing said eyeglass frame selection means, said vision testing means, and said lens selection means to test vision in response to a requirement of the user sent from the user interface unit, to determine eyeglass frames and eyeglass lenses suitable for the vision tested by said vision testing means, for providing the user with information about ordering, and for concluding an eyeglass purchase contract with the user; and

a display information creating means for creating information relating to eyeglass frames in cooperation with or independently of at least one of said frame selection means and said eyeglass ordering and marketing processing means, and for transmitting the information relating to the eyeglass frames to the user interface unit; wherein

said electronic service center comprises a user information registration means, a frame selection information input means, a database

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control means, a frame information registration means, a frame image registration means, a frame selection means, an image processing means, an output means, and a WWW server;

 said frame image registration means inputs frame images provided by the electronic service center;

 said user information registration means registers and controls user's information including addresses, names, dates of birth, telephone numbers, eye conditions, requests for eyeglasses, data for identifying users such as user identifications (IDs), user passwords, and user codes, and a face image sent from the user interface unit;

 said database control means stores and controls a user's face images input by the user information registration means and frame images input thereto;

 said frame selection means is adapted to select an appropriate one of frame functional structures such as the distance between the right and left pupils, the widths from the center of the right and left pupils to the feet of the ears, the opening angles of temples determined based on the widths from the center of the right and left pupils to the feet of the ears, the distances from the feet of the ears to the tops of the corneas, the bending positions of the temples, the distances between the tops of the corneas and the foot of the nose, and the opening angles of pad bridges determined based on the distances between the tops of the corneas and the foot of the nose, frame ornamental structures, and frame images, stored by the frame information registration means, for each frame of the database control means, corresponding to frame selection criteria requested by the user and controlled by the database control means, and is adapted to create or select a frame image for displaying eyeglass frames of different types; and

 said image processing means is adapted to output via an output means an eyeglass-wearing image with an eyeglass frame image, selected by said frame selection means, being combined with the face image data controlled by the database control means, and the user selects one of the lens according to the doctor's prescription, the presbyopic lens when the user's age is at least about 40 years old, the lens according to the latest vision data the electronic service center or the user has, or the lens based on vision test." (emphasis added)

Claim 12 recites method steps that correspond to the features recited in claim 1, including the emphasized features.

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Claims 1 and 12 have been amended to recite "said image processing means is adapted to output via an output means an eyeglass-wearing image with an eyeglass frame image, selected by said frame selection means, being combined with the face image data controlled by the database control means, and the user selects one of the lens according to the doctor's prescription, the presbyopic lens when the user's age is at least about 40 years old, the lens according to the latest vision data the electronic service center or the user has, or the lens based on vision test" (emphasis added). With the unique combination and arrangement of features and method steps recited in claims 1 and 12, Applicant has been able to provide a system that enables a user to make a selection of frames and lenses according to his or her specific conditions and decide what specific type of lens to purchase.

Neither Pellicano nor Izumitani et al. teaches or suggest "said image processing means is adapted to output via an output means an eyeglass-wearing image with an eyeglass frame image, selected by said frame selection means, being combined with the face image data controlled by the database control means, and the user selects one of the lens according to the doctor's prescription, the presbyopic lens when the user's age is at least about 40 years old, the lens according to the latest vision data the electronic service center or the user has, or the lens based on vision test" as recited in claims 1 and 12 of the present application.

In contrast, Pellicano merely teaches a method for evaluating visual acuity over the internet, in which a prescription may be obtain by taking various tests over the internet. Pellicano fails to teach or suggest a method in which a user can select one of (1) a lens according to the doctor's prescription, (2) a presbyopic lens when the user's age is at least about 40 years old, (3) a lens according to the latest vision data the electronic service center or the user has, or (4) a lens based on vision test as recited in claims 1 and 12 of the present application. In fact, the method of Pellicano fails to teach or suggest any selection options, and certainly fails to teach or suggest the specific selection options recited in claims 1 and 12 of the present application.

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Izumitani et al. merely teaches a method in which, after the selection of specific frames is made, the user may input an existing prescription for the lenses to be installed in the selected frames. Izumitani et al. fails to teach or suggest any selection options, and certainly fails to teach or suggest a method in which a user can select one of (1) a lens according to the doctor's prescription, (2) a presbyopic lens when the user's age is at least about 40 years old, (3) a lens according to the latest vision data the electronic service center or the user has, or (4) a lens based on vision test as recited in claims 1 and 12 of the present application.

Thus, Izumitani et al. clearly fails to teach or suggest "said image processing means is adapted to output via an output means an eyeglass-wearing image with an eyeglass frame image, selected by said frame selection means, being combined with the face image data controlled by the database control means, and the user selects one of the lens according to the doctor's prescription, the presbyopic lens when the user's age is at least about 40 years old, the lens according to the latest vision data the electronic service center or the user has, or the lens based on vision test" as recited in claims 1 and 12 of the present application.

Accordingly, Applicant respectfully submits that Pellicano and Izumitani et al., applied alone or in combination, fail to teach or suggest the unique combination and arrangement of features and method steps recited in claims 1 and 12 of the present application.

In view of the foregoing amendments and remarks, Applicant respectfully submits that Claims 1 and 12 are allowable.

In view of the foregoing amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

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The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

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